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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,941	02/24/2004	Daniel Manhung Wong	50277-2406	3803
43425 7590 02/19/2009 HICKMAN PALERMO TRUONG & BECKER/ORACLE 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110-1083				
EXAMINER				
PHAM, MICHAEL				
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2167				
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02/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,941

Applicant(s)

WONG, DANIEL MANHUNG

Examiner

MICHAEL PHAM

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Pre-Appeal Brief filed on 12/5/08, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***.

Claim Status

2. Claims 1-26 are pending.
3. Claims 1-26 have been examined.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In view of MPEP 2106.IV.B: Determine Whether the Claimed Invention Falls Within An Enumerated Statutory Category and based on Supreme Court precedent and recent Federal Circuit decisions, a 35 USC § 101 process must:

1) be tied to another statutory class (such as a particular apparatus) (*Diamond v. Diehr*, 450 U.S.175, 184 (1981); *Parker v. Flook*, 437 U.S. 584 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63,70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876))

OR

2) transform underlying subject matter (such as an article or materials) to a different state or thing (*Gottschalk v. Benson*, 409 U.S. 63,71 (1972); and *In re Bilksi*, Appeal No. 2007-1130).

In view of the above reasons, claim 1 failed to comply to the above 35 USC § 101 requirements 1) or 2), and therefore are directed to non-statutory subject matter. Dependent claims 2-13 are also rejected for failing to resolve the deficiencies of claim 1. While claim 1 recites a server, a server in and of itself does not necessitate any form of hardware.

6. Regarding claims 13-26, these claims recite a “machine-readable storage medium”. In the absence of any modifying disclosure of this limitation in the specification, the examiner interprets the terms 'machine-readable storage medium' as excluding printed paper, transmission

media, signals, or any form of energy, such that the claim clearly falls within a statutory class of invention as required under the terms of 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication 2003/0014394 by Fujiwara et. al. (hereafter Fujiwara).

Claim 1 :

Fujiwara discloses the following claimed limitations:

“a database server receiving a request to execute a database statement”[0074, translated query is transmitted to the DBMS where the query is executed] “, wherein the request specifies the database statement and a tag that does not conform to a database language;”[abstract, original queries are modified to contain mask functions for those cells which controlled access in accordance with an access policy is desired. Figure 12 element 1202. Accordingly, wherein the request specifies the database statement (figure 12 element 1202, sql) and a tag that does not conform to a database language (figure 12 element 1202, mask.pt_id(c.pt_id, i.vst))]

“wherein said tag specifies at least one parameter field and at least one parameter value;”[abstract, mask function. Figure 12 element 1202. Figure 10. Accordingly, wherein said tag (mask) specifies at least one parameter (figure 10, function p_nm(..., ..., ...)) and at least one parameter value (figure 10, key_pt_id number, key_vst number, org_p_nm varchar2)]

“in response to receiving the request, said database server storing the tag;”[figure 12 elements 1202 and 1222. Accordingly, in response to receiving the request (1202), said database server storing the tag (figure 12 elements 702, 1222)]

“said database server executing said database statement,”[0074, translated query is transmitted to the DBMS where the query is executed] “wherein during execution of said database statement said database server provides access to one or more of the at least one parameter values through a tag access mechanism provided by said database server.”[figure 12 elements 702, 1202 and 1222. Accordingly, wherein during execution of said database statement (figure 12, 1202) said database server provides access to one or more of the at least one parameter values (figure 12 element 704, 1202) through a tag access mechanism (figure 12 element 1222) provided by said database server (figure 12 element 704)]

Claim 2 :

Fujiwara further discloses “wherein the database statement is written in a language in which results desired are specified, but no procedures for obtaining the results desired are specified.” [figure 11. Accordingly, wherein the database statement is written in a language (SQL) in which results desired are specified (select), but no procedures (no mask functions) for obtaining the

results desired are specified (SQL)]

Claim 3 :

Fujiware further discloses “wherein a priority for executing the database statement is determined based on the at least one parameter value.” [0052. Accordingly, wherein a priority for executing the database statement (query) is determined based on the at least one parameter value (pt_id/p_nm)]

Claim 4 :

Fujiwara further discloses “wherein a security level is associated with the at least one parameter such that whether the database is entitled to access a component is based on the at least one parameter.” [figure 8 and 0052. Accordingly, wherein a security level (access level) is associated with the at least one parameter (pt_id/p_nm) such that whether the database (figure 12 element 704) is entitled to access a component (patient list) is based on the at least one parameter (pt_id/p_nm)]

Claim 5 :

Fujiwara further discloses “wherein the at least one parameter is accessible to a systems administrator.” [figure 8 and 0044, administrator]

Claim 6 :

Fujiwara further discloses "wherein the at least one parameter is related to user context information." [figure 8, executive, medical doctor, financial analyst]

Claim 7 :

Fujiwara further discloses "wherein the tag comprises an indicator of a beginning of the tag, and an indicator of an end of the tag." [figure 13. Accordingly, wherein the tag (mask.pt_id(c.pt_id, i.vst) pt_id) comprises an indicator of a beginning of the tag ("mask.pt_id("), and an indicator of an end of the tag ("")]

Claim 8 :

Fujiwara further discloses "wherein the at least one parameter value is located between the indicator of the beginning and the indicator of the end of the tag." [figure 13, Accordingly, wherein the at least one parameter value ((c.pt_id, i.vst)) is located between the indicator of the beginning ("mask pt_id(") and the indicator of the end of the tag("")].

Claim 9 :

Fujiwara further discloses "wherein each of the at least one parameter fields comprises an indicator of a beginning of the parameter field, followed by the parameter value, which in turn is followed by an indicator of an end of the parameter field." [figure 13. Accordingly, wherein each of the at least one parameter fields ((c.pt_id, i.vst)) comprises an indicator of a beginning of the parameter field("mask pt_id("), followed by the parameter value (c.pt_id, i.vst), which in turn

is followed by an indicator of an end of the parameter field (“”)]

Claim 10 :

Fujiwara further discloses “wherein the at least one parameter value can be accessed without accessing a session space associated with a database window, wherein the database statement was issued within the session window”[figure 12. Accordingly, wherein the at least one parameter value (figure 12 element 1202, i.drg, i.stay) can be accessed without accessing a session space (figure 12 element 1212, mask/filter) associated with a database window (figure 12 element 702), wherein the database statement (figure 12 element 1202) was issued within the session window (figure 12 element 734)].

Claim 11 :

Fujiwara further discloses “wherein the at least one parameter value can be accessed without accessing a session space associated with a database window, wherein the database statement was issued within the session window.” [figure 12. Accordingly, wherein the at least one parameter value (figure 12 element 1202, i.drg, i.stay) can be accessed without accessing a session space (figure 12 element 1212, mask/filter) associated with a database window (figure 12 element 702), wherein the database statement (figure 12 element 1202) was issued within the session window (figure 12 element 734)]

Claim 12 :

Fujiwara further discloses “wherein the at least one parameter value can be accessed without accessing a session space associated with database window, wherein the database statement was issued within the session window.” [figure 12. Accordingly, wherein the at least one parameter value (figure 12 element 1202, i.drg, i.stay) can be accessed without accessing a session space (figure 12 element 1212, mask/filter) associated with a database window (figure 12 element 702), wherein the database statement (figure 12 element 1202) was issued within the session window (figure 12 element 734)]

Claim 13 :

Fujiwara further discloses “wherein the at least one parameter value can be accessed after a session window has closed, wherein the database statement was issued within the session window.” [figure 12. Accordingly, wherein the at least one parameter value (figure 12 element 1202, i.drg, i.stay) can be accessed without accessing a session space (figure 12 element 1212, mask/filter) associated with a database window (figure 12 element 702), wherein the database statement (figure 12 element 1202) was issued within the session window (figure 12 element 734)]

Claim 14 :

Fujiwara discloses the following claimed limitations:

“a database server receiving a request to execute a database statement”[0074, translated query is transmitted to the DBMS where the query is executed] “, wherein the request specifies the database statement and a tag that does not conform to a database language;”[abstract, original

queries are modified to contain mask functions for those cells which controlled access in accordance with an access policy is desired. Figure 12 element 1202. Accordingly, wherein the request specifies the database statement (figure 12 element 1202, sql) and a tag that does not conform to a database language (figure 12 element 1202, mask.pt_id(c.pt_id, i.vst))]

“wherein said tag specifies at least one parameter field and at least one parameter value;”[abstract, mask function. Figure 12 element 1202. Figure 10. Accordingly, wherein said tag (mask) specifies at least one parameter (figure 10, function p_nm(..., ..., ...)) and at least one parameter value (figure 10, key_pt_id number, key_vst number, org_p_nm varchar2)]

“in response to receiving the request, said database server storing the tag;”[figure 12 elements 1202 and 1222. Accordingly, in response to receiving the request (1202), said database server storing the tag (figure 12 elements 702, 1222)]

“said database server executing said database statement,”[0074, translated query is transmitted to the DBMS where the query is executed] “wherein during execution of said database statement said database server provides access to one or more of the at least one parameter values through a tag access mechanism provided by said database server.”[figure 12 elements 702, 1202 and 1222. Accordingly, wherein during execution of said database statement (figure 12, 1202) said database server provides access to one or more of the at least one parameter values (figure 12 element 704, 1202) through a tag access mechanism (figure 12 element 1222) provided by said database server (figure 12 element 704)]

Claim 15 :

Fujiwara further discloses “wherein the database statement is written in a language in which results desired are specified, but no procedures for obtaining the results desired are specified.” [figure 11. Accordingly, wherein the database statement is written in a language (SQL) in which results desired are specified (select), but no procedures (no mask functions) for obtaining the results desired are specified (SQL)]

Claim 16 :

Fujiware further discloses “wherein a priority for executing the database statement is determined based on the at least one parameter value.” [0052. Accordingly, wherein a priority for executing the database statement (query) is determined based on the at least one parameter value (pt_id/p_nm)]

Claim 17 :

Fujiwara further discloses “wherein the at least one parameter is accessible to a systems administrator.” [figure 8 and 0044, administrator]

Claim 18 :

Fujiwara further discloses “wherein the at least one parameter is related to user context information.” [figure 8, executive, medical doctor, financial analyst]

Claim 19 :

Fujiwara further discloses "wherein the tag comprises an indicator of a beginning of the tag, and an indicator of an end of the tag." [figure 13. Accordingly, wherein the tag (mask.pt_id(c.pt_id, i.vst) pt_id) comprises an indicator of a beginning of the tag ("mask.pt_id("), and an indicator of an end of the tag ("")]

Claim 20 :

Fujiwara further discloses "wherein the at least one parameter value is located between the indicator of the beginning and the indicator of the end of the tag." [figure 13, Accordingly, wherein the at least one parameter value ((c.pt_id, i.vst)) is located between the indicator of the beginning ("mask pt_id(") and the indicator of the end of the tag("")].]

Claim 21 :

Fujiwara further discloses "wherein each of the at least one parameter fields comprises an indicator of a beginning of the parameter field, followed by the parameter value, which in turn is followed by an indicator of an end of the parameter field." [figure 13. Accordingly, wherein each of the at least one parameter fields ((c.pt_id, i.vst)) comprises an indicator of a beginning of the parameter field("mask pt_id("), followed by the parameter value (c.pt_id, i.vst), which in turn is followed by an indicator of an end of the parameter field ("")]

Claim 22 :

Fujiwara further discloses "wherein the at least one parameter value can be accessed without accessing a session space associated with a database window, wherein the database statement

was issued within the session window”[figure 12. Accordingly, wherein the at least one parameter value (figure 12 element 1202, i.drg, i.stay) can be accessed without accessing a session space (figure 12 element 1212, mask/filter) associated with a database window (figure 12 element 702), wherein the database statement (figure 12 element 1202) was issued within the session window (figure 12 element 734)].

Claim 23 :

Fujiwara further discloses “wherein the at least one parameter value can be accessed without accessing a session space associated with a database window, wherein the database statement was issued within the session window.” [figure 12. Accordingly, wherein the at least one parameter value (figure 12 element 1202, i.drg, i.stay) can be accessed without accessing a session space (figure 12 element 1212, mask/filter) associated with a database window (figure 12 element 702), wherein the database statement (figure 12 element 1202) was issued within the session window (figure 12 element 734)].

Claim 24 :

Fujiwara further discloses “wherein the at least one parameter value can be accessed without accessing a session space associated with a database window, wherein the database statement was issued within the session window.” [figure 12. Accordingly, wherein the at least one parameter value (figure 12 element 1202, i.drg, i.stay) can be accessed without accessing a session space (figure 12 element 1212, mask/filter) associated with a database window (figure 12 element 702), wherein the database statement (figure 12 element 1202) was issued within the

session window (figure 12 element 734)].

Claim 25 :

Fujiwara further discloses “wherein the at least one parameter value can be accessed after a session window has closed, wherein the database statement was issued within the session window.” [figure 12. Accordingly, wherein the at least one parameter value (figure 12 element 1202, i.drg, i.stay) can be accessed without accessing a session space (figure 12 element 1212, mask/filter) associated with a database window (figure 12 element 702), wherein the database statement (figure 12 element 1202) was issued within the session window (figure 12 element 734)].

Claim 26 :

Fujiwara further discloses “wherein a security level is associated with the at least one parameter such that whether the database is entitled to access a component is based on the at least one parameter.” [figure 8 and 0052. Accordingly, wherein a security level (access level) is associated with the at least one parameter (pt_id/p_nm) such that whether the database (figure 12 element 704) is entitled to access a component (patient list) is based on the at least one parameter (pt_id/p_nm)]

Response to Arguments

9. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art of record listed on PTO-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PHAM whose telephone number is (571)272-3924. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. P./
Examiner, Art Unit 2167

